

Please Note: The following is considered a “Late Comment” – a comment that was received outside of the formal public comment period. While this comment will be included in the rulemaking file, a written response is not required.

The comment is listed below.

Please scroll down.

-----Original Message-----

From: Steve Herum

Sent: Tuesday, May 07, 2013 9:33 AM

To: 'dan.ray@deltacouncil.ca.gov'

Cc: 'John Luebberke'

Subject: City of Stockton proposed revision to DSC plan and/or regulation

Dear Dan:

Again, on behalf of the Mayor, Councilmember Miller, the City Attorney and me, thank you so very much for taking the time to discuss the draft DSC Delta Plan and regulations.

As you can tell by the discussion the City is very concerned about the possible impact of the Plan and regulation to the City but at the same time wish to work collaboratively with the DSC staff on constructive solutions that can significantly lessen or remove the City's current objections.

We understand that from your perspective you do not identify a problem. However, from our perspective we perceive a very real and serious threat. Rather than argue about competing perspectives I am hopeful we can agree to language confirming what you perceive the plan says and does and therefore, consequently, substantially lessens the City's perceived threat from the proposal.

At the end of our discussion you recommended the City prepare language to be added to either the Plan or regulation or both. You would then discuss this proposed language with other DSC staff.

Attached is language that the City has composed. The City believes this language reflects your understanding, as expressed to us at our meeting, of the actual impact of the proposed Plan and regulation to the City of Stockton. Mr. Luebberke and I would be very willing to meet with you and other DSC staff to hammer out acceptable language. Since you visited Stockton last we are willing to meet with you in Sacramento.

Steve Herum

For the exclusive purpose of interpreting and applying the Delta Plan and administrative regulations, a municipal master, capital improvement or infrastructure plan approved or municipal infrastructure fully or partially constructed prior to the date of adopting the Delta Plan together with future construction contemplated by the plan or the infrastructure design shall be considered vested by the Delta Stewardship Council pursuant to Water Code subsection 85057.5(c).

For purposes of this provision the term “infrastructure” shall mean a municipal facility or system designed to transport and/or treat, pump, divert, store, collect or retain water, wastewater or stormwater.